**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 1449 OF 2005**
**IN**
**SUIT NO. 1282 OF 2005**

Maria w/o Jerry D'Souza. ] .. Plaintiff

Versus

1. Shri Shishir Shivapurkar & Anr. ] .. Defendants

Mr. J.M. D'Silva for the plaintiff.

None for the defendants.

**CORAM: ANOOP V. MOHTA, J.**

**DATED: 18TH MARCH, 2006**

**P.C. :**

. Heard. None appeared for the defendants. Affidavit of service has been filed on record. None appeared for the defendants even when order dated 13th July, 2005, was passed. When order dated 17th August, 2005 was passed, even then no one had appeared for the defendants.

2. Considering the averments made, I am inclined to confirm the order passed in this Notice of Motion on 17th August, 2005, in terms of prayer clause a(i) which reads as follows:

(ai) that pending the hearing and final disposal of the suit the defendants be restrained by an order of injunction not to allot the flat No.62 to any other person or create third party rights in respect of the said suit flat;"

3. In view of the above, Notice of Motion disposed of.

Sd/-
**[ANOOP V. MOHTA, J.]**